

REMARKS

Claims 29-56 are pending in this application, with claims 29 and 51-54 being in independent form. Claims 29-55 have been amended to define still more clearly what Applicants regard as their invention.

Claims 29, 34, and 51-55 were objected to because of the informalities noted at paragraphs 2 and 3 of the Office Action. The claims have been corrected herein and, accordingly, withdrawal of this objection is respectfully requested.

Claim 39 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised at paragraph 6 of the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 29-45 and 51-56 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent No. 3,701,454 to Thorp in view of U.S. Patent No. 3,435,977 to Jacke; claims 46-48 and 50, as being obvious from Thorp in view of Jacke and U.S. Patent No. 3,811,817 to Mansnerus; and claims 48 and 49, as being obvious from Thorp in view of Jacke in view of U.S. Patent No. 6,592,363 to Hoffmann.

Applicants submit that independent claims 29 and 51-54, together with the claims dependent therefrom, are patentably distinct from the cited references for at least the following reasons.

As noted above, claims 29-45 and 51-56 were rejected over Thorp in combination with Jacke. Applicants respectfully disagree with this finding, for at least the following reasons.

The present invention, claim 29 and the dependent claims, relates to a fuel can with a specifically adapted sealing foil. Neither Thorp nor Jacke (1) relate to a fuel can and/or (2) disclose sealing foils. A person having ordinary skill in the art therefore would not arrive at the present invention when considering or combining the above documents and would have no motivation to combine these documents.

Thorp, as understood by Applicants, discloses a cap 16 which may be made of sheet material, such aluminum. The container further contains sealing material or gasket 30. The cap is fixed to the container by a skirt 26/bead 22. Applicants therefore disagree with the Examiner's finding that a sealing foil is disclosed in this document. Jacke discloses a closure which is self-opening, particularly a crown-type closure cap 20. It is agreed that the material of such cap may be aluminum - PE - aluminum. Particularly when considering cork seal 27, it is apparent that Jacke does not disclose or suggest a closure cap 20 being a sealing foil.

Thorp discusses a container 10 having a cap 16. The content 32 of the container is not specified. It is suggested to use such container for beverages (column 1, line 25). Further, it is suggested that the consumer may "select more than one type or form of opening **for removing the contents..."** (col. 2, lines 58-60, emphasis added). Jacke also discusses a container with a specific dispensing opening (see abstract). Again, the document aims to provide a container for removing its content.

In summary, Thorp and Jacke do not disclose or suggest a fuel can nor a can closed with a sealing foil. Thus, even when combining those documents, the skilled person would not arrive at the present invention. Further, in the present invention, it is not aimed to remove or dispense the content from the fuel can; it is rather aimed to directly use the fuel can without removing/dispensing the content. It is submitted that the skilled person would have no

motivation to consider containers with removable content when inventing the present fuel can.

For at least the foregoing reasons, the skilled person would not arrive at the present invention as defined in claim 29 when considering or combining the teachings of Thorp and Jacke. Further, the skilled person would have no motivation to consider these documents in the context of the present invention.

In view of the non-obviousness of claim 29, dependent claims 30-45 and 56 are believed to be non-obvious as well. Claims 51-53 are believed to be non-obvious for similar reasons to those discussed above in connection with claim 29.

Claim 54 directed to a cover lid and claim 55 directed to a sealing foil, are believed to be non-obvious over Thorp and Jacke, as both documents fail to disclose sealing foils.

Applicants understand claims 46-48 and 50 are rejected over Thorp in combination with Jacke and Mansnerus. Mansnerus, as understood by Applicants, relates to a lamp for producing a colored flame. The fuel as used in Mansnerus is a liquid material; it is not a fuel in an absorptive. Mansnerus discloses liquid fuels only, particularly methanol (column 3, line 8; column 4, second paragraph). Mansnerus uses waxes, such as polyethyleneglucole, for impregnating the wick, not as a fuel of the lamp (column 3, line 65 bridging to column 4 and column 5, line 25). Apart from the differences already acknowledged by the Examiner, Mansnerus only discloses unmodified liquid fuels while the present invention discloses fuels that are solid, semi-solid (pastes) or pseudo-solid (i.e. contained in an absorptive). It is thus believed that claims 46-48 and 50 are non-obvious over the cited prior art.

Applicants understand that claims 48-49 are rejected over Thorp in combination with Jacke and Hoffmann. Hoffmann as understood relates to a fuel canister for a chafing dish.

The fuel as used in Hoffmann is a liquid material, such as diethyleneglycole. From the construction of the fuel canister, it is apparent that only liquid fuels are suitable (other fuels would not pass along the wick to the opening to form a flame). The present invention, claim 48, makes use of a liquid fuel received in an absorptive. Apart from the differences already acknowledged by the Examiner, Hoffmann only discloses unmodified liquid fuels while the present invention, claim 48, discloses fuels that are contained in an absorptive. It is thus believed that claims 48-49 are non-obvious over the cited prior art.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted

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